

Clerk File No. 309801

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Seattle Public Utilities Director's Rule No. DR-01-08, relating to temporary garbage, recycling and compostables container and bag placement and removal at the curb and in public alleys.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Disposition: Filed

Feb 6, 2009
Date Filed with City Clerk
Emilia M. Sanchez
By

The City of Seattle – Legislative Department

Clerk File sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Ray Hoffman, Acting Director

Memorandum

Date: February 5, 2009

To: City Clerk

From: Ray Hoffman, Acting Director

Re: Director's Rule #SPU- DR-01-08

FILED
CITY OF SEATTLE
2009 FEB - 6 PM 2:08
CITY CLERK

In accordance with Seattle Municipal Code 3.02 stipulating procedures for the adoption of Department Director's Rules and in advance of the City proceeding with the implementation of the Clear Alleys Program on March 30, 2009, I am establishing the following attached Director's Rule #SPU-DR-01-08.

A lengthy stakeholder and public input process has taken place around the draft Rule and the upcoming Clear Alleys Program, though a public hearing on this issue was determined not to be necessary. Seattle Public Utilities (SPU) and Department of Planning and Development (DPD) staff meet with many neighborhood business district organizations, BOMA and the Downtown Seattle Association in 2008 to discuss the proposed "Dumpster Free Alley" Program. The focus was to create cleaner, safer business districts by having solid waste dumpsters that had been placed on a long-term basis in public alleys without a street use permit removed. The City Council in November 2008 adopted a rate for prepaid bags for garbage collection to be used in Designated Business Areas where the "Dumpster Free Alley Program" was to be mandatory. This program is now known as the Clear Alleys Program.

Seattle Public Utilities issued draft Administrative Rule #DR-01-08 entitled "Temporary Garbage, Recycling and Compostables Container and Bag Placement and Removal at the Curb and in the Public Alleys" for public comment in late December 2008. The draft Rule was mailed to all 670 garbage customers in the Downtown, Pioneer Square and Belltown areas (the Designated Business Districts where "Clear Alleys" are mandatory for 2009) along with a Summary and Frequently Asked Questions about the Clear Alleys program. Two notices were published in the Daily Journal of Commerce regarding the Draft Rule on 12/30/08 and 12/31/08. The deadline for sending comments on the Draft Rule was January 21, 2009.

SPU received around 45 comments regarding the Draft Rule either via electronic mail to SPUClearAlleys@Seattle.Gov or by phone in late December and January 2009. At least eight meetings were also held with various concerned stakeholders and businesses and SPU as well as DPD staff. SPU has compiled an extensive Responsiveness Summary on the Draft Rule and the Clear Alleys Program which is being sent to all commentors, contracted as well as independent solid waste businesses and other stakeholders. This Responsiveness Summary was also shared with the Seattle City Council as part of the

Statement of Legislative Intent report submitted on 2/2/09 on the Clear Alleys Program to the Council.

The Rule is now final and is attached. The effective date is when filed with your office.

Attachment (Director's Rule)

Cc: William Foster, Law Department
Timothy Croll, SPU
George Sidles, SPU
Hans VanDusen, SPU
Gabriella Uhlar-Heffner, SPU
Tom Gannon, SPU

Administrative Rule #SPU – DR-01-08
Temporary Garbage, Recycling and Compostables Container and Bag Placement
and Removal at the Curb and in Public Alleys

Proposed Text of Rule:

1.0 Introduction:

SMC Section 15.04.010 requires a street use permit for anyone to make long-term “use” of a public place as an alley, planting strip or sidewalk. However, “use” of public places allows the temporary placement by a customer of garbage and recyclables for curbside/alley collection that are in compliance with SMC 21.36.080. SMC Section 21.36.080 B allows containers to be placed on the sidewalk or in the alley or planting strip as long as they are placed a “reasonable time prior to collection” and removed “within a reasonable amount of time thereafter”.

Containers can include bundles of yard waste, 12, 20 and 32 gallon garbage cans, wheeled 32 – 96 gallon carts and one to 20 yard detachable containers or dumpsters used for collection of garbage, recyclable materials or organic waste (yard and food waste) by residents or businesses. The reasonable amount of time prior to and after collection set forth in this rule pertains not only to all City contracted collection services for garbage, recyclable materials and compostables (yard and food waste) but also non-contracted, private collection services as well. It does not apply to placement of containers in a public place where a street use permit has been obtained from the City.

2.0 Container Placement and Removal “Reasonable” Amount of Time Prior to and After Collection at the Curb and in Public Alleys

Residential and Commercial Cans, Wheeled Carts and Detachable Containers:

Residential and commercial cans, wheeled carts and detachable containers (or dumpsters) with garbage, recyclables or compostables may be placed temporarily at the curb, on the planting strip or in the public alley up to 24 hours before their scheduled collection by the City-contracted hauler. They should be removed by the customer and returned to their property within 24 hours of being collected. Bundles of yard waste may also be placed up to 24 hours before their scheduled collection. However, additional bagged waste outside of cans, wheeled carts or detachable containers for pickup as garbage can only be put out for collection at the curb, on the planting strip or in the alley 3 hours prior to collection if the bag contains putrescible waste. It may be put out the night before collection if the bag contains non-putrescible waste.

There should be no permanent storage of cans, wheeled carts or detachable containers on public sidewalks, planting strips or in alleys unless the property owner has no space to store containers on their property or inside their building. Then containers may be left only along the side of public alleys as long as they are kept lidded, the area around them is kept clean and they do not interfere with pedestrian or vehicular traffic access and use. The SPU Director designee may verify lack of off ROW storage space.

3.0 Clear Alleys Program: Many public alleys in Downtown and Neighborhood Business Districts contain permanent solid waste dumpsters which provide cover for uncivil and illegal behaviors, impede pedestrian and vehicular traffic use and attract illegal dumping. Many commercial customers in a pilot program based in Pioneer Square have replaced their dumpsters located in public alleys with a frequently collected pre-paid bag system resulting in cleaner and safer public alleys. This prepaid bag system will be used by businesses, apartments and condominiums in Designated Business Districts starting March 30, 2009 through the City's two contracted haulers for garbage unless they have storage space for containers on private property or choose to self-haul garbage to the City's transfer stations. The City's contractors and private recycling companies are to offer prepaid bags for recyclables and compostable materials (such as food scraps, food soiled paper, yard trimmings) if there is no on-site storage for containers on a customer's property though carts may be used for certain materials subject to the requirements of Section 9.

4.0 Designated Business Districts for the Clear Alleys Program: Designated Business Districts are those designated by the SPU Director for current or future inclusion in the Clear Alleys Program. In 2009 they include at a minimum:

- 1) Downtown (including Belltown, the Denny Triangle and the Commercial Core)
- 2) Pioneer Square

One additional Designated Business District chosen by the SPU Director may be added in 2009 if the majority of commercial customers in the district agree. Others may be phased in during subsequent years after SPU develops an approval process. Designated Business Districts who have expressed interest in the Clear Alleys Program are:

- 1) E. Olive/E. Union /Capitol Hill
- 2) International District
- 3) South Lake Union
- 4) Uptown/Lower Queen Anne
- 5) Fremont
- 6) University District
- 7) North of Campus
- 8) Columbia City
- 9) West Seattle Junction

5.0 Container Placement and Removal "Reasonable" Amount of Time Prior to and After Collection on Public Sidewalks and Alleys within Designated Clear Alleys Business Districts:

Cans, Wheeled Carts and Detachable Containers (or Dumpsters): Residential and commercial cans, wheeled carts or detachable containers with garbage, recyclables or compostables may be placed at the curb or along the side of public alleyways during the hours of 7 p.m. to 7 a.m. or up to 3 hours before their scheduled collection by a City-contracted or private collector if no storage space is available on private property. They

must be removed by the customer and returned to their property within 3 hours of being collected. Bundles of yard waste may also be placed up to 3 hours before their scheduled collection. The SPU Director's designee may deny the overnight storage locations or the daytime collection of containers.

There should be no permanent storage of cans, wheeled carts and detachable containers on public sidewalks and planting strips or in public alleys.

6.0 Pre-Paid Color Coded Bag Alternative to Detachable Container Use: Residential and commercial customers, choosing this City-contracted service for garbage, will be provided with pre-paid color coded bags and a collection schedule by their City-contracted hauler. Prepaid bags may be used for recyclables and compostables subject to the requirements of Section 9.0. Customers shall set out prepaid bags for collection no more than three hours before the scheduled pickup time.

The bags will be color coded according to the type of material being collected. Private recycling collectors may choose to offer customers a similar bag service and must provide customers with a collection time schedule. Customers shall set out bags for collection no more than three hours before the scheduled pickup time.

7.0 Removal of Dumpsters in Clear Alleys Designated Business Districts: In the Downtown Core and Pioneer Square Designated Business Districts containers that cannot be stored off of the ROW will be removed between 3/30/09 and 4/30/09. Customers that do not have off-ROW storage for their carts or dumpsters will need to use pre-paid bags as of 3/30/09.

8.0 Designated Business District Boundaries in 2009

1) Downtown: The boundaries of the Downtown Designated Business District are Elliot Bay to the west, Bay Street to Denny Way to the north (south side of those respective streets), Interstate 5 to the east (west side of the highway) and Yesler Way to the south (north side of the roadway). See attached map of "Downtown Area" for all of the included streets and alleys. Private streets, alleys and piers are not covered under this rule.

2) Pioneer Square: The boundaries of the Pioneer Square Designated Business District are Elliot Bay to the west, Yesler Way to the north (south side of the street), 4th Avenue S. to the east (west side of roadway) to S. King Street to the south and then west along S. King Street to Occidental Avenue S. (west side of roadway). The eastern boundary then becomes Occidental Avenue S (west side of the roadway) south to South Royal Brougham Way (north side of roadway). From the southern boundary of South Royal Brougham Way, the western boundary follows 1st Avenue S. north to Railroad Way S. and then to Alaska Way South north to S. King Street. See attached map of "Downtown Area" for all of the included streets and alleys. Private streets, alleys and piers are not covered under this rule.

9.0 Exemptions to Rule within Designated Business Districts for the Clear Alleys Program:

The following types of containers and materials are exempt from this Rule with specific conditions:

- 1) Collection containers for used cooking oil that meet public and environmental health requirements are categorically exempt.
- 2) Labeled Carts (32, 60 or 96 gallon) with tight fitting lids for source separated food scraps/food soiled paper and yard trimmings if no on-site storage on private property is available as verified by the City. Prepaid bags used for organic waste collection must be preapproved by Seattle Public Utilities.
- 3) Labeled Carts (32, 60 or 96 gallon) for glass if no on-site storage on private property is available as verified by the City.
- 4) Labeled Carts (32, 60 or 96 gallon) for animal waste if no on-site storage on private property is available as verified by the City.

All customers interested in obtaining an exemption for cart containment of organic waste, glass and animal waste and long-term storage in the public alleys must contact Seattle Public Utilities to have the lack of on-site cart storage space on private property verified.

10.0 Effective Date of Rule: The effective date for this rule is when filed with the Seattle City Clerk.